

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JUSTIN JAMES EDMISTON,  
Plaintiff,  
v.  
STEVE MILLER, et al.,  
Defendants.

Case No.: 2:24-cv-00498-RFB-MDC

**ORDER**

On March 13, 2024, pro se plaintiff Justin Edmiston, an inmate in the custody of the Nevada Department of Corrections, submitted a document titled "Second Amended." (ECF No. 1-1). Plaintiff has neither paid the filing fee nor applied for *in forma pauperis* status. (See ECF No. 1). It is not clear if Plaintiff's initiating document is a complaint. The Court cannot consider Plaintiff's initiating document because it is largely illegible. It appears that the handwriting on the original document that Plaintiff submitted to the prison's law library was too light to read or be properly scanned. The Court grants Plaintiff an extension of time to submit a legible complaint and either pay the required filing fee or apply for *in forma pauperis* status.

**I. DISCUSSION**

"A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. "A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court's form." Nev. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

Additionally, this Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for

1 *in forma pauperis* status, the inmate must submit **all three** of the following documents to  
 2 the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**,  
 3 which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate  
 4 twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s  
 5 approved form, that is properly signed by both the inmate and a prison or jail official; and  
 6 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**  
 7 **six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis*  
 8 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means  
 9 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

10 If Plaintiff wants to proceed with this action, Plaintiff must file a legible complaint  
 11 that complies with LSR 2-1 and is personally signed. Plaintiff should file the complaint on  
 12 this Court’s approved civil-rights form. And Plaintiff must either pay the full \$405 filing fee  
 13 for a civil action or file a fully complete application to proceed *in forma pauperis*.  
 14 Alternatively, if Plaintiff did not intend to initiate this action but, rather, to file his document  
 15 in a different action, then he should file a notice under Federal Rule of Civil Procedure  
 16 41(a)(1)(A)(i) voluntarily dismissing this action.

## 17 **II. CONCLUSION**

18 It is therefore ordered that Plaintiff has **until Monday, June 10, 2024**, to submit a  
 19 legible complaint to this Court.

20 It is further ordered that Plaintiff has **until Monday, June 10, 2024**, to either pay  
 21 the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with  
 22 all three required documents: (1) a completed application with the inmate’s two signatures  
 23 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
 24 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the  
 25 previous six-month period.

26 Alternatively, if Plaintiff did not intend to initiate this action but, rather, to file his  
 27 document in a different action, then he should file a notice under Federal Rule of Civil  
 28 Procedure 41(a)(1)(A)(i) voluntarily dismissing this action. Plaintiff is cautioned that he

1 must clearly write the correct case number on his documents to ensure they are filed in  
2 the correct case.

3 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
4 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
5 to refile the case with the Court, under a new case number, when Plaintiff can file a legible  
6 complaint and either pay the filing fee or apply for *in forma pauperis* status.

7 The Clerk of the Court is directed to send Plaintiff Justin Edmiston (1) the approved  
8 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same and (2) an  
9 application to proceed *in forma pauperis by inmate* and instructions for the same.

10 DATED THIS 11th day of April 2024.

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14 Hon. Maximiliano D. Couvillier III  
15 United States Magistrate Judge  
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